

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

Tr.P(C).No. 170 of 2007()

OPMV.73/2004 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THALASSERY

: PETITIONER/3RD RESPONDENT

UNITED INDIA INSURANCE CO. LTD.,
REP. BY ITS ASSISTANT MANAGER,
SHARANYA, HOSPITAL ROAD, ERNAKULAM.

BY ADV. SRI.P.R.RAMACHANDRA MENON

RESPONDENTS: CLAIMANTS 1 TO 3/RESPONDENTS 1 & 2

1. ROSILY, W/O G.BABU, AGED 30 YEARS,
PUTHUPARAMBIL HOUSE, PATHINIPPARA KARA,
PAMBADUMPARA VILLAGE, UDUMBANCHOLA TALUK.
2. VEENA, D/O G.BABU, AGED 8 YEARS,
PUTHUPARAMBIL HOUSE, PATHINIPPARA KARA,
PAMBADUMPARA VILLAGE, UDUMBANCHOLA TALUK, REP.
BY MOTHER AND NEXT FRIEND ROSILY, W/O G.BABU.
3. POOJA, D/O G.BABU, AGED 4 1/2 YEARS,
PUTHUPARAMBIL HOUSE, PATHINIPPARA KARA,
PAMBADUMPARA VILLAGE, UDUMBANCHOLA TALUK, DO.DO..
4. N.K.JAYA, D/O PAPPAN, AGED 35 YEARS,
MANAYATH CHIRA HOUSE, THOTTUVAKKAM,
THEKKENADA P.O., VAIKOM.
5. JYOTHI BABU, D/O G.BABU, AGED 14 YEARS,
MANAYATH CHIRA HOUSE, THOTTUVAKKAM,
THEKKENADA P.O., VAIKOM, REP.BY MOTHER THE NEXT FRIEND, N.K.JAYA
6. AMAL BABU, S/O BABU, AGED 12 YEARS,
MANAYATH CHIRA HOUSE, THOTTUVAKKAM,
THEKKENADA P.O., VAIKOM, DO.DO.
7. VINU JOHN, S/O JOHN, KATTIKANAL HOUSE,
CHEMPERE KARA, P.O.TALIPARAMBA,
KANNUR DISTRICT.

8. T.SREEMATHI, S/O MOHANAN, SREEVIHAR,
CHUNDAKARA, MOTTAMMAL P.O., MOTTAMMAL,
KANNUR DISTRICT.

BY

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

M.N.KRISHNAN, J

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Tr.P.(C) No.170 OF 2007

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Dated this the 11th day of September 2007

JUDGMENT

This transfer petition is filed to transfer O.P.(MV)No.73 of 2004 of the Motor Accidents Claims Tribunal, Thalassery to the Motor Accidents Claims Tribunal, Thodupuzha for joint trial along with O.P.(MV) No.486/2003. The cases arise out of a road accident whereby one Babu died in the accident. There are two sets of claimants claiming to be the wife and children of deceased Babu. One set has filed O.P.(MV)No.486/2003 before the M.A.C.T., Thodupuzha and the other set has filed O.P.(MV)No.73 of 2004 pending before the MACT, Thalassery. Learned counsel for the petitioners brought to my notice that though the accident had taken place in Thalassery Judicial District, claimants therein are residing at Vaikom and no hardship will be caused to them by transfer of O.P.(MV)No.73/2004 to the M.A.C.T.at Thodupuzha. There is considerable force in the said submission.

2. Taking into consideration the convenience of the rival claimants in both the cases, O.P.(MV)No.73 of 2004 pending before the MACT,

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-:2:-

Thalassery is transferred to the MACT, Thodupuzha for joint trial along with O.P.(MV)No.486/2003.

Tr.P.C. is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-